

OGC Has Reviewed

10 August 1955

25X1A

MEMORANDUM FOR: [REDACTED]

SUBJECT: Operational Legal Retainers

25X1A

1. Points raised in your memorandum on [REDACTED] depend in the end on the actual utilization of the lawyers involved. If a lawyer is used entirely for nonlegal operational work, such as contact or cutout activities or advice on conduct of operations in the area, I believe this Office has no real interest in the retainer unless we can be of assistance in checking on the lawyer's status and reputation. At the other extreme would be a proposal to utilize a lawyer for legal advice on internal Agency matters. This would be of direct concern to this Office and should not be undertaken without the closest coordination. Normally the work of this nature should be performed by a staff member of the Office, either one assigned overseas or sent from headquarters.

2. In between there lies a shadowground of many variables. If the lawyer is going to be used for legal advice on operations as well as for the operational problems themselves, it may or may not be of concern to this Office. I would think that a lawyer who is used to advise an agent under nonproprietary business cover on the local law applicable to his business would normally be of no particular concern to this Office, although in some circumstances we might be of assistance. If the lawyer were wanted for legal advice to a proprietary, we have a different situation as this Office is responsible for the legal aspects of proprietaries. Therefore, the selection and activities of a lawyer under these circumstances should be closely coordinated with this Office.

3. I do not believe this is a matter which can be controlled by regulation or directive and that probably we must depend on the operations officers to coordinate when appropriate. In order to provide guidance for them, however, we might draw up a memorandum outlining the above points in general form. This memorandum could

be shown to the case officer whenever the checklist indicated utilization of a lawyer.

25X1A Would you talk this over with the people involved, particularly with [redacted], and see if they agree with this approach.

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[redacted]
L. R. Houston

Attachment [redacted] memo re
[redacted], dtd 9 Aug 55